

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GOLD RESERVE INC.,

Plaintiff,

V.

BOLIVARIAN REPUBLIC OF
VENEZUELA,

Defendant.

Case No. 22-mc-00453-LPS

**STIPULATION AND [PROPOSED] ORDER GOVERNING PLAINTIFF GOLD
RESERVE INC.'S MOTION FOR A CONDITIONAL ORDER AUTHORIZING THE
ISSUANCE OF A WRIT OF ATTACHMENT *FIERI FACIAS***

WHEREAS, on October 20, 2022, Plaintiff Gold Reserve Inc. (“Gold Reserve”) filed its Motion for a Conditional Order Authorizing the Issuance of a Writ of Attachment *Fieri Facias* (D.I. 2) (the “Gold Reserve’s Motion”) as well as its memorandum of law in support and other supporting papers;

WHEREAS, on January 11, 2023, the Court issued its Memorandum Order (D.I. 14) (the “Memorandum Order”) which granted Petróleos de Venezuela S.A.’s (“PDVSA”) request to intervene in this action and denied PDVSA’s request to stay briefing on Gold Reserve’s Motion;

WHEREAS, the Memorandum Order directed the parties to submit “a joint status report with the parties’ positions on whether there has been any material change to any fact relevant to the factual determination(s) the Court must make with respect to the pending alter ego issues since April 2021” as well as a “proposed order the Court may sign to effectuate PDVSA’s intervention as a party and to establish a process for completing briefing and submission of proposed findings of fact with respect to Gold Reserve’s pending motion”;

WHEREAS, the parties submitted a proposed order effectuating PDVSA's intervention and the denial of PDVSA's stay motion, which was entered by the Court on January 23, 2023 (D.I. 18);

WHEREAS, certain other judgment creditors of the Bolivarian Republic of Venezuela have filed motions for conditional writs of attachment *feri facias* in other actions pending before this Court – *OI European Group B.V. v. Bolivarian Republic of Venezuela*, 19-mc-290-LPS, *Northrop Grumman Ship Systems, Inc. v. The Ministry of Defense of the Republic of Venezuela*, 20-mc-257-LPS, *ACLI Investments Ltd. et al v. Bolivarian Republic of Venezuela*, 21-mc-46-LPS, and *Rusoro Mining Limited v. Bolivarian Republic of Venezuela*, 21-mc-481-LPS (the "Other Creditor Actions"), and PDVSA has intervened in those Other Creditor Actions to oppose the pending attachment motions and to cross-move to dismiss those Other Creditor Actions for lack of jurisdiction on the grounds that PDVSA is entitled to foreign sovereign immunity under the Foreign Sovereign Immunities Act ("FSIA"). The pending attachment motions and PDVSA's cross-motions to dismiss have been fully briefed;

WHEREAS, PDVSA asserts that the above-captioned action must be dismissed for lack of jurisdiction under the FSIA and that Gold Reserve's Motion should be denied for all the reasons stated in PDVSA's memoranda of law in support of its cross-motions to dismiss the Other Creditor Actions and in opposition to the attachment motions in those Other Creditor Actions;

WHEREAS, counsel for the parties in the above-captioned action have met-and-conferred and agreed, in substance, that the Court's disposition of the Other Creditors' motions for a conditional writ of attachment should govern the disposition of Gold Reserve's Motion, such that if the Other Creditors' motions are granted then Gold Reserve's Motion should be granted, and if the Other Creditors' motions are denied then Gold Reserve's Motion should be denied;

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties that:

1. The parties agree to forego the submission of any further briefs or proposed findings of fact in support or in opposition to Gold Reserve's Motion; and
2. The parties do not believe and will not argue that "there has been any material change to any fact relevant to the factual determination(s) the Court must make with respect to the pending alter ego issues since April 2021"; and
3. The parties agree that this Court's rulings on the pending attachment motions in the Other Creditor Actions shall be binding on the parties in the above-captioned action, subject to the parties' rights to appeal and paragraph 4 below, such that Gold Reserve's Motion shall be granted to the extent the Court grants the pending attachment motions in the Other Creditor Actions and that Gold Reserve's Motion for a Conditional Writ shall be denied to the extent the Court denies the pending attachment motions in the Other Creditor Actions, and that the parties shall jointly submit an implementing order within 7 days of the last decision entered by the Court in the Other Creditor Actions, whether or not an appeal is taken;
4. In the event that the Court reaches different outcomes on the pending attachment motions in the Other Creditor Actions, the parties shall file a joint status report within 14 days of the last decision entered by the Court in the Other Creditor Actions addressing the impact of the Court's other decisions on Gold Reserve's Motion;
5. The parties agree that nothing in this stipulation and proposed order shall be construed as a waiver of any immunities to which PDVSA is entitled under the FSIA or a waiver of any right to appeal the Court's decision on Gold Reserve's Motion.

Respectfully submitted,

/s/ Samuel T. Hirzel, II

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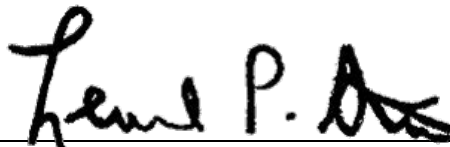
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Attorneys for Plaintiff Gold Reserve Inc.

Dated: January 27, 2023

SO ORDERED this 30th day of January, 2023.



HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT COURT